

this chapter must comply with such requirements. The obligation to comply with such requirements with regard to sources and units in the State will be eliminated by the promulgation of an approval by the Administrator of a revision to Iowa's State Implementation Plan (SIP) as correcting the SIP's deficiency that is the basis for the TR Federal Implementation Plan under § 52.38(b), except to the extent the Administrator's approval is partial or conditional. The obligation to comply with such requirements with regard to sources and units located in Indian country within the borders of the State will not be eliminated by the promulgation of an approval by the Administrator of a revision to Iowa's SIP.

(2) Notwithstanding the provisions of paragraph (b)(1) of this section, if, at the time of the approval of Iowa's SIP revision described in paragraph (b)(1) of this section, the Administrator has already started recording any allocations of TR NO<sub>x</sub> Ozone Season allowances under subpart BBBB of part 97 of this chapter to units in the State for a control period in any year, the provisions of subpart BBBB of part 97 of this chapter authorizing the Administrator to complete the allocation and recordation of TR NO<sub>x</sub> Ozone Season allowances to units in the State for each such control period shall continue to apply, unless provided otherwise by such approval of the State's SIP revision.

[76 FR 48364, Aug. 8, 2011, as amended at 76 FR 80774, Dec. 27, 2011]

**§ 52.841 Interstate pollutant transport provisions; What are the FIP requirements for decreases in emissions of sulfur dioxide?**

(a) The owner and operator of each source and each unit located in the State of Iowa and Indian country within the borders of the State and for which requirements are set forth under the TR SO<sub>2</sub> Group 1 Trading Program in subpart CCCC of part 97 of this chapter must comply with such requirements. The obligation to comply with such requirements with regard to sources and units in the State will be eliminated by the promulgation of an approval by the Administrator of a revision to Iowa's State Implementation

Plan (SIP) as correcting in part the SIP's deficiency that is the basis for the TR Federal Implementation Plan under § 52.39, except to the extent the Administrator's approval is partial or conditional. The obligation to comply with such requirements with regard to sources and units located in Indian country within the borders of the State will not be eliminated by the promulgation of an approval by the Administrator of a revision to Iowa's SIP.

(b) Notwithstanding the provisions of paragraph (a) of this section, if, at the time of the approval of Iowa's SIP revision described in paragraph (a) of this section, the Administrator has already started recording any allocations of TR SO<sub>2</sub> Group 1 allowances under subpart CCCC of part 97 of this chapter to units in the State for a control period in any year, the provisions of subpart CCCC of part 97 of this chapter authorizing the Administrator to complete the allocation and recordation of TR SO<sub>2</sub> Group 1 allowances to units in the State for each such control period shall continue to apply, unless provided otherwise by such approval of the State's SIP revision.

[76 FR 48365, Aug. 8, 2011]

**§ 52.842 Visibility protection.**

(a) *Regional Haze.* The requirements of section 169A of the Clean Air Act are not met because the regional haze plan submitted by Iowa on March 25, 2008, does not include fully approvable measures for meeting the requirements of 40 CFR 51.308(d)(3) and 51.308(e) with respect to emissions of NO<sub>x</sub> and SO<sub>2</sub> from electric generating units. EPA has given limited approval and limited disapproval to the plan provisions addressing these requirements.

(b) *Measures Addressing Limited Disapproval Associated with NO<sub>x</sub>.* The deficiencies associated with NO<sub>x</sub> identified in EPA's limited disapproval of the regional haze plan submitted by Iowa on March 25, 2008, are satisfied by § 52.840.

(c) *Measures Addressing Limited Disapproval Associated with SO<sub>2</sub>.* The deficiencies associated with SO<sub>2</sub> identified

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in EPA's limited disapproval of the regional haze plan submitted by Iowa on March 25, 2008, are satisfied by § 52.841.

[77 FR 33657, June 7, 2012, as amended at 77 FR 38007, June 26, 2012]

### Subpart R—Kansas

#### § 52.869 [Reserved]

#### § 52.870 Identification of plan.

(a) *Purpose and scope.* This section sets forth the applicable SIP for Kansas under Section 110 of the CAA, 42 U.S.C. 7401 *et seq.* and 40 CFR Part 51 to meet NAAQS.

(b) *Incorporation by reference.*

(1) Material listed in paragraphs (c) and (d) of this section with an EPA approval date prior to December 1, 2008, was approved for incorporation by reference by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Material is incorporated as it exists on the date of the approval, and notice of any change in the material will be published in the FEDERAL REGISTER. Entries in paragraphs (c) and (d) of this section with EPA approval dates after December 1, 2008, will be incorporated by reference in the next update to the SIP compilation.

(2) EPA Region 7 certifies that the rules/regulations provided by EPA in the SIP compilation at the addresses in paragraph (b)(3) of this section are an exact duplicate of the officially promulgated state rules/regulations which have been approved as part of the SIP as of December 1, 2008.

(3) Copies of the materials incorporated by reference may be inspected at the Environmental Protection Agency, Region 7, Air Planning and Development Branch, 11201 Renner Boulevard, Lenexa, Kansas 66219; at EPA Air and Radiation Docket and Information Center, EPA West Building, 1301 Constitution Avenue NW., Washington, DC 20460; or at the National Archives and Records Administration (NARA). If you wish to obtain material from the EPA Regional Office, please call (800) 223-0425 or (913) 551-7122; for material from a docket in EPA Headquarters Library, please call the Office of Air and Radiation Docket at (202) 566-1742. For information on the availability of this material at NARA, call (202) 741-6030, or go to: [http://www.archives.gov/federal\\_register/code\\_of\\_federal\\_regulations/ibr\\_locations.html](http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html).

(c) *EPA-approved regulations.*

#### EPA-APPROVED KANSAS REGULATIONS

Kansas citation	Title	State effective date	EPA approval date	Explanation
<b>Kansas Department of Health and Environment Ambient Air Quality Standards and Air Pollution Control</b>				
<b>General Regulations</b>				
K.A.R. 28–19–6 .....	Statement of Policy .....	1/1/72	5/31/72, 37 FR 10867 ..	Kansas revoked this rule 5/1/82.
K.A.R. 28–19–8 .....	Reporting Required .....	1/23/95	7/17/95, 60 FR 36361.	
K.A.R. 28–19–9 .....	Time Schedule for Compliance .....	5/1/84	12/21/87, 52 FR 48265.	
K.A.R. 28–19–10 .....	Circumvention of Control Regulations.	1/1/71	5/31/72, 37 FR 10867.	
K.A.R. 28–19–11 .....	Exceptions Due to Breakdowns or Scheduled Maintenance.	1/1/74	11/8/73, 38 FR 30876.	
K.A.R. 28–19–12 .....	Measurement of Emissions .....	1/1/71	5/31/72, 37 FR 10867.	
K.A.R. 28–19–13 .....	Interference with Enjoyment of Life and Property.	1/1/74	11/8/73, 38 FR 30876.	
K.A.R. 28–19–14 .....	Permits Required .....	1/24/94	7/17/95, 60 FR 36361.	
K.A.R. 28–19–15 .....	Severability .....	1/1/71	5/31/72, 37 FR 10867.	
<b>Nonattainment Area Requirements</b>				
K.A.R. 28–19–16 ....	New Source Permit Requirements for Designated Nonattainment Areas.	10/16/89	1/16/90, 55 FR 1420.	
K.A.R. 28–19–16a ..	Definitions .....	10/10/97	1/11/00, 65 FR 1545.	
K.A.R. 28–19–16b ..	Permit Required .....	10/16/89	1/16/90, 55 FR 1420.	